

Chair Prozanski, Vice-Chair Thatcher, and members of Senate Judiciary Committee:

My name is Dawn Andrews. I am a career public defender with over twenty-five years of experience in Multnomah County and I am the wife of a public school teacher. For much of my career, I have represented youth and adults charged with Ballot Measure 11 offenses. I also handle delinquency cases and represent children who are wards of the court in dependency cases.

Through the years, I have witnessed the impact of Oregon's automatic waiver laws first hand. I have also heard the stories of the short and long-term negative consequences of the system on the youth automatically waived, their families and our community. For example, these youth miss out on important long-term inpatient treatment opportunities available in our juvenile justice system. Because youth that are automatically waived have adult convictions, they experience difficulties obtaining jobs and housing. Long incarceration times result in incomplete socialization because formative teen and early adult years are spent in institutional environments.

Because of what I have witnessed and the knowledge that I have gained through reviewing research and working with children and youthful offenders, I believe Oregon should have a more humane youth justice system that focuses on accountability for youth and safety for our communities. Our system should view each youth accused individually from the beginning of a case to ensure that only youthful offenders that need to be in the adult system receive adult outcomes.

If the youth is found to have committed the offense and the court incarcerates him or her as part of the initial disposition, our system should review the youthful offender's growth, progress and risk to the community as he or she accesses programming and services available to them in the youth corrections facility. The supervising court should adjust the disposition as deemed appropriate, given the youth's accountability, risk to the community and level of services needed.

Ballot Measure 11 passed at the height of the tough-on-crime era. It created harsh penalties, causing youth as young as 15 to be charged and sentenced as adults for certain serious acts, facing the same mandatory minimum penalties as adults, despite their young age, and without examining their behavioral issues, developmental needs, mental health needs and trauma history.

I will never forget representing my first few 15 year olds in adult court-none of which had been involved in the criminal justice system in a significant way prior to being charged. Almost all of my youthful offender clients presented with deficits and needs that would have been better addressed with a developmentally appropriate reformation plan that recognized that youthful offenders are different from adults.

Even when youth accept responsibly, the prosecutor may require a waiver into the adult criminal justice system and an agreement to not seek a second look hearing in exchange for an outcome that avoids a mandatory prison sentence with no good time or work time. Though this negotiation process avoids a mandatory sentence, it does not address the reality of the youth's developmental needs and the real risk that would be posed to the community and the victim, if a youth has accepted responsibility for his actions and meaningfully engaged in reformation services.

Our youth justice system should focus on prevention and rehabilitation. We value forgiveness and second chances, and should provide all youth with the best chance to repair the damage they have caused, while also healing their own trauma and getting them the help they need. We can do this

without forgetting that the youth victimized someone in the community and while protecting our community.

I support the following four proposals in front of the legislature this session that focus on prevention and rehabilitation for youth in the criminal justice system:

- SB 969 (End Automatic Waiver into Adult Court) places youth accused of any crimes, including serious ones, in the juvenile justice system, instead of the adult justice system. To move a youth to the adult justice system, prosecutors would need to request a special hearing with a judge who would decide where youth are placed.
- SB 966 (Hearing Before Transfer to DOC) would require an additional review before the transfer of a youth with a long sentence to an adult prison. Currently, Oregon youth who receive long sentences for serious crimes can stay in a youth prison until age twenty-five and are then transferred to an adult prison. This proposal would allow a judge to determine if the twenty-five-year old has been sufficiently rehabilitated to transfer them to community-based supervision, rather than adult prison.
- SB 1008 (Second Look Hearings) establishes a process where all youth who are convicted in adult court have access to a "Second Look" hearing half way through their sentence. At that hearing, a judge determines whether the youth has taken responsibility for their crime and been rehabilitated, which would allow the remainder of their sentence to be served under community-based supervision, rather than being incarcerated.
- SB 968 (End Juvenile Life Without Parole) would eliminate life without parole sentences for youth in Oregon by establishing a process to ensure that anyone convicted of a crime when they are under eighteen years old receives a chance for parole after fifteen years of incarceration. Life without parole sentences are currently given to youth convicted of murder or other serious crimes.

Please move these proposals forward swiftly. The justice system should hold youth accountable for their actions. However, we all know the value of forgiveness and second chances. When young people take responsibility for their actions, we need to help them make a positive contribution to society through rehabilitation, education and opportunity, not prison.

Thank you for your time.

Sincerely,

Dawn Andrews